

Chapter 2 Voter Registration

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THE NATIONAL VOTER REGISTRATION ACT: The National Voter Registration Act (NVRA), widely known as “Motor Voter,” was signed into law on May 20, 1993 and took effect on January 1, 1995. Under the NVRA, Michigan must offer voters the opportunity to register to vote through the mail, motor vehicle offices, designated government agencies and military recruitment offices. The Secretary of State Branch Office Voter Registration Program, in operation since 1975, satisfies the motor vehicle office registration component of the federal law.

In addition, the NVRA prohibits city and township clerks from issuing a “cancellation notice” to a voter solely because of the voter’s failure to participate in elections.

HELP AMERICA VOTE ACT: The Help America Vote Act (HAVA) was signed into law on October 29, 2002. HAVA brought about a number of changes to the administration of elections and also made federal funding available to states for the purchase of new electronic voting systems. HAVA funding has allowed Michigan to replace outdated voting equipment and to improve polling place access for voters with disabilities.

The Help America Vote Act provides for the following:

- **Provisional Balloting Process:** The Provisional Balloting Process is designed to ensure that no voter is improperly denied the opportunity to vote due to an administrative error. The form (*Procedure for Issuing a Ballot If Voter’s Name Does Not Appear on Registration List: A Four-Step Procedure.*) allows a voter who does not appear on a precinct’s QVF list to vote once completed.
- **First-Time Mail-in Registrants:** A voter who has *never voted* in Michigan who chooses to register by mail must appear in person to vote in the first election in which he or she wishes to participate. In addition, “mail-in” voter registrants must provide acceptable proof of identity prior to being issued a ballot.
- **Voter Registration Forms:** Notices are provided on registration forms to ensure that voters are fully aware of the “voting-in-person” and federal ID requirements. Two questions regarding United States citizenship and the age of the applicant are also included on all registration forms.
- **Public Posting Requirements on Election Day:** HAVA expands the information that must be posted in the polls on Election Day. This requirement must be observed for every election conducted in the state.
- **Registration and Voter Rights of Absent Uniformed Services Voters and Overseas Voters:** Under HAVA, absent voter ballot requests submitted by absent uniformed service and overseas voters

must be honored for every election conducted in the applicant's city or township of residence through the calendar year in which the request was received. The absent ballot request is also valid for the entire calendar year if received after the last election in the prior calendar year. Each state is required to prepare and submit a report to the Election Assistance Commission regarding absent voter activities by overseas voters. In addition, local election officials must provide return notification to the applicant whenever voter registration or absent voter ballot applications are rejected.

- **Complaint Process:** Each state is required by HAVA to have in place a "uniform, nondiscriminatory state-based administrative complaint procedure" for federal elections. To conform to this stipulation a HAVA complaint process has been developed and adopted by the Department of State. Additional information is available on the Department of State's Web site: www.michigan.gov/sos.

THE QUALIFIED VOTER FILE: in operation since the 1998 election cycle, the Qualified Voter File (QVF) is a distributed database which ties Michigan's 1,517 cities and townships to a statewide voter registration file maintained in Lansing. The QVF contains approximately 7.4 million voter registration records.

Approximately 975 city and township clerks currently have direct access to their local QVF data via Michigan's QVF system. The remaining jurisdictions coordinate access to their local QVF data via their county clerk's office.

- With the QVF, each and every "motor/voter" registration transaction executed in a Secretary of State Branch Office is electronically forwarded to the appropriate local election official; a paper copy of the transaction follows within days to confirm the electronic notification and supply the election official with the voter's signature.
- 148 Secretary of State Branch Offices electronically enter all "motor/voter" voter registration transactions (approximately 85% of all voter registration transactions in state). The data is electronically transferred to local QVF files on a daily basis. The corresponding hard copy voter registration applications are forwarded to local clerks by mail within one week. All other voter registration transactions must be key entered into the QVF by county, city and township clerks.

These transactions are generated through the following voter registration programs:

1. Federal and state "mail in" voter registrations
2. Designated state agencies

3. Armed Forces recruitment offices
 4. Federal Post Card Applications (FPCA)
- All voter registration records entered into the QVF system are matched to the state's driver license file. When matches are found, the voter's driver license record is flagged. This linkage permits the updating of both files regardless of whether the voter initiates a driver license address change or a voter registration address change.
 - All drivers are required to use their registration address for driver license purposes. As a result, all voter registration address changes are automatically posted to the driver file. The Department supplies all voters who submit a new voter registration address an address change sticker for their driver license. Michigan is the *first* state to use voter registration address change data filed with local election officials to update driver license records.
 - All voter registration application forms produced at Secretary of State Branch Offices are automatically printed with the voter's name, address, date of birth and other data elements common to the voter's driver license record. Individuals who change their driver license address to reflect a move to a *new* jurisdiction are automatically registered in their new jurisdiction of residence.
 - Electronic notification of all voter registration transactions that are processed at a Secretary of State Branch Office are forwarded to each local clerk via the QVF system. A report of all such transactions is electronically forwarded to each jurisdiction on a daily basis and may be accessed via the QVF Inbox. A list of the more commonly used inbox notification types and the associated actions that clerks must take for each is located in *Appendix 1*. Some of the more common notification types and descriptions are listed below:
 1. "New Voter" – An individual who is registering for the *first time* within the State has been added to your local file.
 2. "Moved From" – An individual who was *previously registered* to vote in a different jurisdiction within the State has been added to your local file.
 3. "Moved To" – An individual who was/is registered in your jurisdiction has moved to a different address that is located either inside or outside your jurisdiction.
 - Upon the receipt of the registration application, the clerk of the voter's new jurisdiction of residence issues the voter a voter identification card to acknowledge the acceptance of the voter registration. The voter registration held by the voter in his or her former jurisdiction of residence is automatically canceled and the appropriate clerk is electronically notified of the cancellation.

- It is not necessary for a clerk who has direct access to the QVF to affix a signature to his or her master file records (master cards) if a digitized signature is available for the voter in the QVF. In addition, in an instance where an *unsigned* branch registration form is received for a voter *who was previously registered in Michigan*, it is not necessary for a clerk who has access to a digitized signature in the QVF to mark the voter's record with a "Verify – Sign Registration Card" status code or capture the voter's signature prior to the issuance of a ballot.

It merits note, however, that an *unsigned* registration application received for a voter who *was not previously registered in Michigan* must be rejected as the voter failed to provide the minimum information required to complete the initial registration process. This remains true even in an instance where a digitized signature is provided for the individual. In this case, the voter must be sent a "Notice of Rejection" and the voter's QVF status must be changed to "Reject – No Signature."

- If a voter updates his or her driver license to reflect a move within his or her current jurisdiction, the voter's registration is automatically updated with the new address without any further action required on the voter's part. If the move is to a different precinct or district within the same jurisdiction, the clerk must send the voter an updated voter ID card.

The Statewide Street Index: The statewide street index is the foundation for the QVF system. The street index is a database that contains all known addresses within the state and the political districts and subdivisions that correspond to each address. All voter registration addresses entered into the QVF are automatically matched against the addresses contained within the street index. It is by matching these addresses that the QVF system is able to accurately identify and forward each voter registration transaction to the proper jurisdiction. Maintaining an accurate street index is critical to ensuring the accuracy of the QVF and for ensuring the accuracy of the precinct lists that are used at the polls on election day.

Each local clerk is responsible for ensuring the accuracy of the addressing information for his or her jurisdiction. *Addressing changes that take place within a jurisdiction must be immediately reported to the Bureau of Elections* so that the statewide street index can be adjusted. Errors and omissions in the QVF precinct lists used at the polls on election day are generally the result of errors or omissions in the statewide street index.

SOURCES OF VOTER REGISTRATION APPLICATIONS: Voter registration applications can originate through any of the following sources:

- 1) Secretary of State Branch Office Voter Registration Program.
- 2) Secretary of State "Renewal by Mail" Program. (Allows Michigan citizens who are renewing their driver license by mail the opportunity to register to vote by mail at the same time.)
- 3) Express SOS Program – www.michigan.gov/sos. (Allows for online address changes for existing voters, when provided in conjunction or with an online driver's license or personal identification and address change.)
- 4) Registration transaction in applicant's county, city, township or village clerk's office.
- 5) Mail Registration Program. (Includes the state mail-in voter registration application form and the federal mail-in voter registration application form.)
- 6) Designated government agencies including Michigan Department of Human Services and the Michigan Department of Community Health.
- 7) Armed Forces Recruitment offices.
- 8) Federal Post Card Application (FPCA) procedure.
- 9) Direct delivery of voter registration applications by persons working on behalf of voter registration drives. (The state and federal voter registration application forms developed to implement the Mail Registration Program are generally used by organizations involved in such efforts.)

MAIL-IN VOTER REGISTRATION PROGRAM:

Absentee Voting Restriction: With the introduction of mail-in voter registration in the state, Michigan election law was amended under PA 441 of 1994 with the following restriction (MCL 168.509t(2)):

"A person who registers to vote in a jurisdiction in this state by mail shall vote in person if that person has not previously voted in person in any jurisdiction within the state. This subsection does not apply to any of the following registered voters:

"(a) A person entitled to vote by absentee ballot under the uniformed and overseas citizen's absentee voting act, Public Law 99-410, 100 Stat. 924.

"(b) A person who has a handicap as defined in section 103 of the Michigan handicappers' civil rights act, Act No. 220 of the Public Acts of 1976, being section 37.1103 of the Michigan Compiled Laws, or who is 60 years of age or older...."

Given the above restriction, a *new* registrant who submits a state or federal mail-in voter registration application form who has not previously voted in Michigan, is *not* eligible to receive an absent voter ballot for the first election in which he or she wishes to participate unless the voter falls under one of the provided exemptions; the voter *must appear in person to vote*.

It merits note that the absentee voting restriction applies if the mail-in voter registration application form is delivered to the clerk's office by a third party; the restriction does *not* apply if the applicant personally delivers the form. It merits further note that the absentee voting restriction does *not* apply to electors who register to vote through authorized election assistants appointed under Michigan election law, MCL 168.29.

Federal Identification Requirement: HAVA stipulates that a voter who has never voted in Michigan who chooses to register by mail must meet an identification requirement. To comply with the identification requirement, the voter must:

- 1) accurately enter his or her state issued driver license number or the last four digits of his or her social security number where requested on the mail-in voter registration form; or
- 2) send one of the following forms of identification when mailing the mail-in voter registration form to his or her county or local clerk: a copy of any current and valid photo identification or a copy of a paycheck, government check, utility bill, bank statement or a government document which lists his or her name and address.

If a voter subject to the federal identification requirement does not meet the requirement when registering, the voter must present one of the above listed documents before being issued a ballot at the first election in which he or she wishes to participate. The federal identification requirement does not apply if:

- 1) the voter hand delivers his or her mail-in registration form to the county or local clerk's office;
- 2) the voter is disabled; or
- 3) the voter is eligible to vote under the Uniformed and Overseas Citizens Absentee Voting Act.

Implementation Points: The following implementation points merit close attention:

- The QVF identifies those voters subject to the "voting-in-person" requirement (code: "MVIP"), those voters subject to the federal identification requirement (code: "ID") and those voters who are subject to both requirements (code: "MVIP/ID").

- A voter who is subject to the federal identification requirement who is unable or unwilling to produce an acceptable form of identification must be issued a “Provisional - Envelope” ballot. In this case, it is not necessary to complete the Four-Step Procedure form. It merits note, however, that a special notice must be issued to the voter at the time the “Envelope” ballot is issued. A sample notice is provided in *Appendix I.*)
- It merits final observation that in an instance where 1) a voter who is 60 years of age or more requests an absentee ballot 2) the voter is subject to the federal identification requirement because he or she is a first-time mail registrant who has never voted in Michigan and 3) the voter has not met the identification requirement prior to requesting the absent voter ballot, a “Provisional- Envelope” ballot must be issued. If the required identification is not provided, the voted ballot must be preserved and processed as an “Envelope” ballot. It is recommended that in this case, the “Envelope” ballot not be delivered to the precinct or absentee counting board for processing on Election Day. For more information regarding the Provisional Balloting process see Chapter XI.

PROCESSING VOTER REGISTRATION APPLICATIONS:

Photo ID Required for In-Person Voter Registration Applicants: Effective March 27, 2013 voter registration applicants that apply in person are required to provide photo identification. If the voter does not have an acceptable form of photo identification, he or she may sign an *Affidavit of Voter not in Possession of Picture Identification* form. Acceptable forms of identification are the same as those required for in-person voting, and include the following:

- Michigan driver’s license or Michigan personal identification card
- Current driver’s license or personal identification card issued by another state
- Current federal or state government-issued photo identification
- Current U.S. passport

- Current student identification with photo – from a high school or an accredited institution of higher education

- Current military identification card with photo

- Current tribal identification card with photo

The *Affidavit of Voter not in Possession of Picture Identification* form is also the same as what is used for in-person voting. A sample is included in Appendix I.

Receipt of Voter Registration Applications Submitted by “First Time” Voter Registration Applicants:

Upon the receipt of a voter registration application submitted by an individual who was *not previously registered* in the state, the clerk reviews the form to determine its acceptability. The absence of any of the following data on the form *invalidates* the application:

- 1) Name
- 2) Registration address (*must be a street address or rural route number located within the jurisdiction*)
- 3) Birth date
- 4) Signature on qualification certificate (*An original signature must be provided.*)
- 5) Affirmation of U.S. citizenship (*If the citizenship question is not answered change voter’s status in QVF to “Challenge – Citizenship.” If the voter answered “No” reject the registration and send the voter a notice of rejection.*)

Receipt of Voter Registration Applications Submitted by Voters Who Were Previously Registered:

Upon the receipt of a voter registration application submitted by an individual who was *previously registered* in a different jurisdiction within the state, the clerk reviews the form to determine its acceptability. The absence of any of the following data on the form *invalidates* the application *with exceptions* as noted:

- 1) Name
- 2) Registration address (*Must be a street address or rural route number located within the jurisdiction*)

- 3) Birth date
- 4) Signature on qualification certificate *(Exception: A signature must be obtained before a ballot is issued. As an alternative, if a digitized signature is available in the QVF, an original signature is not required.)*
- 5) Affirmation of U.S. citizenship *(If citizenship question is not answered change the voter's status in QVF to "Challenge – Citizenship." If the voter answered "No" reject the registration and send the voter a notice of rejection.*

Registration Application Not Received (Existing Voters): With the advent of online change of address for existing voters through the Secretary of State's Express SOS program, no paper registration application is involved. If no registration application is received for previously-registered voters who have moved, the voter remains in active status.

Optional or Nonessential Data: The following informational entries on the voter registration application are either optional or nonessential to the validity of the application:

- 1) Driver license or state personal identification number
- 2) Information on last place of registration
- 3) Gender
- 4) Birthplace
- 5) School district
- 6) County *(assuming that the clerk is able to identify the applicant's jurisdiction of residence based on the address information provided)*
- 7) Jurisdiction of residence *(assuming that the clerk is able to identify the applicant's jurisdiction of residence based on the address information provided)*
- 8) Phone number
- 9) Any requested signature other than the signature requested on the qualification certificate

Processing Acceptable Voter Registration Applications: If the voter registration application is acceptable, the clerk uses the information on the application to create the necessary voter registration records and forwards them as necessary:

- 1) Master card (*May be generated from the QVF or may be manually prepared.*)
- 2) E-Pollbook and/or Paper Precinct List (*Must be generated from the QVF.*)
- 3) Voter ID card (*May be generated from the QVF or may be manually prepared.*)

After creating and forwarding the necessary voter registration records, the clerk is required to prepare a voter identification card for the applicant which includes the applicant's name and registration address; Congressional, State Senate, State Representative and County Commissioner district numbers; precinct number; and polling place location.

Upon receipt of application but no later than three weeks after registering, if no application has been received, the voter identification card must be mailed to the applicant's registration address by *nonforwardable mail*. The successful delivery of the voter identification card completes the registration process. *Exception:* If the voter provides a post office box as an alternative mailing address, the voter identification card must be placed in an envelope which is addressed to the P.O. Box address. In this case, it is important that the alternative mailing address be entered into the QVF and on the voter's master card.

Processing Deficient Voter Registration Applications: If the voter registration application is not acceptable, the clerk takes the following actions:

- *If the signature on the qualification certificate is missing, and the voter was not previously registered in Michigan, the clerk arranges to have the applicant appear in person to sign the form or submit a replacement voter registration application on or before the close of registration for the first election at which the voter chooses to participate. A digitized signature in this case is not acceptable. The signature may not be obtained on Election Day. Change the voter's QVF status to "Reject – Signature" and send the voter a "Notice of Rejection."*

However, if the voter *was previously registered* in Michigan, the signature must be obtained prior to the issuance of a ballot. In this case, the signature may be obtained on Election Day. Change the voter's QVF status to "Verify – Sign Registration Card." If a city or township clerk has direct access

to the QVF and a digitized signature is available, it is not necessary for the signature to be obtained prior to issuance of a ballot. (You may simply note on the master card "See QVF for digital signature.") If on the other hand a clerk does not have direct QVF access, the signature must be obtained prior to the issuance of a ballot (if practical, a signature can be printed from the QVF and attached to the master card).

Following the QVF Inbox notification, if the registration application is not received, regardless of previous registration status, change the voter's status to "Verify – Sign Registration Card." A voter *not previously registered* in Michigan must sign an attestation of qualification prior to being issued a ballot. For a voter *previously registered* in Michigan you may get a signature prior to issuing a ballot or the digitized signature in QVF can be used. (If you use a QVF signature, a status change is not necessary.)

- If the citizenship question is answered "No," regardless of previous registration status, change the voter's QVF status to "Reject – Citizenship" and send the voter a "Notice of Rejection."

If the citizenship question is left blank, regardless of previous registration status, written affirmation of U.S. citizenship must be obtained prior to the issuance of a ballot. Change the voter's QVF status to "Challenge – Citizenship."

If the *registration application is not received*, proceed as follows:

- New voter: change the voter's status to "Verify – Citizenship."
 - Existing voter: leaves as an active voter; no change of status is required.
- If the registration application is unacceptable because it does not bear the applicant's full birth date or full residential address, the clerk attempts to contact the applicant by phone to obtain the required information. This information must be obtained on or before the close of registration and cannot be obtained on Election Day.
- If the registration application is unacceptable because the applicant does not reside in the clerk's jurisdiction, the clerk forwards the application to the clerk of the appropriate jurisdiction. If the clerk is unable to determine the applicant's jurisdiction of residence, the clerk forwards the application to the Department of State's Bureau of Elections for review.

TRANSMISSION OF VOTER REGISTRATION APPLICATIONS: A Secretary of State Branch office, designated voter registration agency or county clerk in receipt of a completed voter registration application is required to forward the application to the clerk of the county, city or township where the

applicant resides *within seven calendar days*. If the receipt of the application occurs *within seven calendar days prior to the "close of registration" for an August primary or November general election*, the application must be forwarded to the clerk of the county, city or township where the applicant resides *within one business day*.

CLOSE OF REGISTRATION STANDARDS: An unregistered elector who wishes to participate in an upcoming election must register to vote no later than the 30th day prior to the election. (If the 30th day prior to the election falls on a Saturday, Sunday or holiday, the "close of registration" for the election is moved to the next business day.) Michigan election law specifies that a voter registration applicant who meets any of the following standards has fulfilled the 30-day "close of registration" requirement for the next upcoming election:

- The elector submits a voter registration application through a Secretary of State branch office, a designated voter registration agency or a county, city, or township clerk's office on or before the "close of registration" for the election.
- The elector submits a voter registration application through the mail and it is postmarked with a date that falls on or before the "close of registration" for the election. If the postmark date is missing or unclear, the voter registration application meets the "close of registration" for the election if 1) the clerk of the applicant's city or township of residence receives the application within seven calendar days *after* the "close of registration" date *and* 2) the application is dated by the applicant on or before the "close of registration" for the election.

ADDRESS CHANGE WITHIN JURISDICTION:

Written Notice Provided by Voter: Upon the receipt of written notice *signed by a voter* that he or she has moved to a different address *within the same jurisdiction*, the clerk updates the voter registration files as appropriate. If the change is made through a Secretary of State branch office such notice will include the receipt of a voter registration application form showing the new address and will be preceded by a QVF "Changed Address To" inbox notification. Such changes may also be made through an "Election Day Change of Address Notice" executed by the voter at the polls; or a corrected voter identification card, letter, post card or post office change of address form signed by the voter announcing the address change.

After updating the voter registration files, the clerk prepares an updated voter identification card for the voter and mails it to the voter's new address. Here, it is recommended that the updated voter identification card be sent by *nonforwardable mail with address correction requested*. If the voter identification card should subsequently be returned by the post office as "undeliverable," the address correction can then be used to proceed as appropriate under "Address Change Within Jurisdiction: Written notice not provided by voter" or under "Move to a Different Jurisdiction: Written notice of voter's registration in new jurisdiction of residence not provided."

Written Notice Not Provided by Voter: Upon the receipt of "reliable information", (refer to Reliable Information Flowchart, included in Appendix I) obtained through a "third party" source that a voter has moved to a different address *within the same jurisdiction*, the clerk must forward a confirmation notice to the voter to confirm the move. The notice is mailed by *forwardable mail*. "Reliable information" on such an address change would include a new address provided on returned mail; information supplied through a local utility; or notice provided through any similar source. The new address *may not* be added to the voter's registration records unless and until it is confirmed by the voter in writing or in person at the polls on Election Day. After mailing the confirmation notice, mark the voter's QVF record with a "Verify – Confirm Address" status code. Do not set the Cancellation Countdown as the voter's registration is not subject to cancellation in this case.

If the voter confirms the move by returning the reply card or during questioning at the polls, the clerk updates the voter registration files as appropriate. After updating the voter registration files, the clerk prepares an updated voter identification card for the voter which lists the voter's new registration address. The updated voter identification card is mailed by *nonforwardable mail*.

If the voter states on the reply card or during questioning at the polls that he or she has *not* moved to a different address, the clerk changes the voter's QVF status back to "Active." If the voter neglects to return the reply card and does not appear to vote, the clerk takes no further action.

If the confirmation notice is returned by the post office as "undeliverable," the voter's status must be changed to "Challenged – Residency." (See: "Returned Confirmation Notices" discussed later in this chapter.)

MOVE TO A DIFFERENT JURISDICTION:

Written Notice of Voter's Registration in New Jurisdiction of Residence Provided: Upon the receipt of *written notice* that a voter has *registered to vote in another jurisdiction*, the clerk cancels the voter's registration. Such notice would include the receipt of a QVF inbox "Moved To" notification or a "Cancellation Authorization" form signed by the voter.

Written Notice of Voter's Registration in New Jurisdiction of Residence Not Provided: Upon the receipt of "reliable information" that a voter has moved to another jurisdiction *without any confirmation that the voter has reregistered to vote in his or her new jurisdiction of residence*, the clerk sends the voter a confirmation notice by *forwardable mail*, which contains a postage prepaid and preaddressed reply card. "Reliable information" on such an address change would include a new address in another jurisdiction provided on returned mail, information supplied through a local utility, or notice provided through any similar source including the U.S. Postal Service or its licensees. A possible, but far less common source of such information would be a letter, post card or post office change of address form signed by the voter announcing the address change without any direction given on the desired disposition of his or her voter registration record. In this case, the clerk changes the voter's QVF status to "Verify – Confirm Address."

The confirmation notice, which in this case is referred to as a "Notice of Cancellation," is used to confirm the voter's address within a different jurisdiction. Additional language printed on the notice advises that the voter must respond within the next two statewide November general elections or their voter registration within the jurisdiction will be canceled. If the jurisdiction *has direct QVF access*, the "Cancellation Countdown" feature may be used to track the response timeframe. In this case, if no response is received and the timeframe expires, the voter registration is automatically canceled. If the jurisdiction *does not have direct access to QVF*, it is recommended that a "tickler" file be established to track the voter registration records that are subject to cancellation.

Once the record is cancelled, the date and reason for the cancellation is noted on the voter's Master Card. The master card is then moved to the jurisdiction's "cancellation file" where it is retained for 5 years beyond the date of cancellation.

- If the notice is *not* returned by the post office as "undeliverable" it is assumed that the notice was delivered.
- If the voter returns the reply card attached to the confirmation notice to verify that he or she has moved to another jurisdiction, the clerk cancels the voter's registration.
- If the notice sent to the voter is returned by the post office as "undeliverable," the voter's status must be changed to "Challenged – Residency." (See: "Returned Confirmation Notices" discussed later in this chapter.)

- If the voter appears to vote *in either of the next two statewide November general elections or any intervening election* and *claims that he or she did not move to an address outside the jurisdiction*, the “reliable information” on which the voter’s “Cancellation Notice” was based may have been erroneous. In this case, the voter is issued a ballot under normal procedure. The “Verify – Confirm Address” status code is automatically removed with the recording of vote history immediately following the election.
- If through the questioning of the voter it is determined that the voter *did move to an address that is outside* of the jurisdiction, the voter may not be entitled to a ballot. (See: Chapter XI “Voters Who Have Moved” for additional information.)
- However, if through the questioning of the voter, it is determined that the voter moved *within the same jurisdiction*, the election inspectors serving in the voter’s precinct direct the voter to complete an “Election Day Change of Address Notice.” Once the notice is completed and signed by the voter, a ballot is issued under normal procedure.

If no response is received over the course of the next two statewide November general elections, the voter’s registration is cancelled without further notice. This is handled programmatically through the QVF.

NAME CHANGE: Name changes must be made in person at a Secretary of State branch office. Upon the receipt of a name change, the clerk updates the voter registration files as appropriate. After updating the registration files, the clerk prepares an updated voter identification card for the voter and mails it to the voter’s registration address. If the voter identification card should subsequently be returned by the post office as “undeliverable,” any provided address correction is used to proceed as appropriate under “Address Change Within Jurisdiction: Written notice not provided by voter” or under “Move to a Different Jurisdiction: Written notice of voter’s registration in new jurisdiction of residence not provided.”

ADDRESSING CONFIRMATION NOTICES: While the NVRA requires that confirmation mailings be sent to registrants by *forwardable mail*, it does not specify the address which must be used. In certain cases (such as when a mailing to a registrant has been returned as “undeliverable”

with no forwarding address), only one address will be available. In other cases (such as when a second address is supplied by the post office), two addresses will be available.

When faced with a choice of addresses, the advantage in mailing to the old address is that a registrant who has only *temporarily* changed addresses may not receive the mailing at the new address. A disadvantage to using the old address is that a registrant, who has, in fact, moved, may not receive the mailing through postal forwarding as post offices retain change-of-address records for a limited period of time (12 to 18 months). There are similar advantages and disadvantages in mailing to the new address: if the registrant has, in fact, moved, the notice will be received. If, on the other hand, the new address is in error, the registrant would never receive the mailing.

Given the above, it is recommended that in those instances where a local election official has both an “old address” and a “new address” for a registrant who must be sent a confirmation mailing, that the mailing be sent to both addresses. The mailing should contain a postage prepaid and preaddressed reply card.

RETURNED CONFIRMATION NOTICES: If a confirmation notice sent to a voter who has moved within his or her jurisdiction or to a voter who has moved to a different jurisdiction is returned by the post office as “undeliverable,” the following actions are taken:

- 1) The clerk marks the voter’s QVF registration record as “Challenged – Residency.”
- 2) Each election official must then instruct the election inspectors appointed to serve in the voter’s precinct on Election Day to question the voter on his or her residency status if the voter appears to vote. The voter *is not* required to provide documentation or proof of residence.
- 3) If the elector appears to vote and affirms that he or she resides at the new address within the jurisdiction or advises that he or she has moved to *a different address within the jurisdiction*, the election inspectors issue a regular ballot to the elector. In this case, the election inspectors further direct the voter to complete an “Election Day Change of Address Notice.” The completed notice is returned to the local clerk in a special envelope following the close of the polls. The new address is then entered into the QVF following the election and an updated voter identification card is forwarded to the voter that reflects the new information.
- 4) If the elector appears to vote and it is revealed under questioning at the polls that the elector is not qualified to vote in the jurisdiction, the election inspectors do *not* issue a ballot to the elector and

the voter's registration may be canceled. In this case the election inspector should place a note to this effect in the envelope addressed to the local clerk.

- 5) If the elector does not appear to vote *over the course of the next two, successive statewide November general elections*, the clerk cancels the voter's registration. As noted above, if the jurisdiction has direct QVF access, the Cancellation Countdown feature may be used to track the response timeframe. If no response is received and the timeframe expires, the voter registration is automatically canceled. If the jurisdiction *does not have direct access to QVF*, it is recommended that a "tickler" file be established to track the voter registration records that are subject to cancellation. In this case, the clerk makes arrangements to change the voter's QVF status to "Cancel – Residence."

Once the record is cancelled, the date and reason for the cancellation is noted on the voter's master card. The master card is then filed into the jurisdiction's cancellation file where it is retained for 5 years beyond the date of cancellation.

RETURNED VOTER IDENTIFICATION CARDS:

Voter Identification Card Returned: If a *voter identification card* sent to an elector is returned as "undeliverable" and an address correction is provided, the clerk proceeds as appropriate under "Address Change Within Jurisdiction: Written notice not provided by voter" or under "Move to a Different Jurisdiction: Written notice of voter's registration in new jurisdiction of residence not provided." If an address correction is *not* provided, the clerk changes the voter's QVF status "Verify – Confirm Address." The returned identification card is retained until the issue is resolved. Under no circumstances does a returned ID card result in a voter's registration being cancelled or rejected without going through the NVRA cancellation process.

Surrendered License: A QVF inbox notification type and status code was added to the QVF software in 2009. The "Surrendered License" inbox notification/status code is used by the Department of State to flag the voter registration record of a voter who has surrendered his or her Michigan driver license in another state. In the past, such voters were marked "Cancel – Moved Out of State." Under the new procedure, the voter record is marked "Verify – Confirm Address."

This change was made in response to a judicial ruling concerning voters who move to another state and surrender their Michigan driver license when applying for a license in the new state. The fact that the voter has applied for a driver license in another state must be used as "reliable information" that

the voter may no longer be a resident of the Michigan city or township in which he or she is registered to vote. Under this scenario, an attempt must be made to confirm the voter's intent to 1) remain a resident of the jurisdiction (in this situation, the voter's status code is changed to "Active") or 2) discontinue residence within the jurisdiction (in this situation, the voter's status code is changed to "Cancel").

Legislation was passed and signed into law in 2012 requiring that the State send confirmation notices to Michigan registered voters who have applied for a driver's license in another state (MCL 168.509aa). The State has instituted an automated process for generating these notices, and **local jurisdictions are no longer responsible for sending confirmation notices in these instances.** The State is also handling all follow-up changes in QVF related to changing status and setting the cancellation countdown for these voters that have moved out of state.

The type of confirmation notice that is forwarded to the voter in this case is the "Notice of Cancellation." The language on the notice is designed to inform the voter that based on the receipt of "reliable information," there is good reason to believe that the voter may no longer be a resident of the jurisdiction and that their voter registration within the jurisdiction is subject to cancellation. The notice requests that the voter complete and return the attached reply card at their earliest convenience. The notice further explains that if no response has been received from the voter after the passage of two even-year November general elections, the voter's registration record will be cancelled.

If confirmation is received that the voter intends to remain a resident of the jurisdiction, the voter's status is changed to "Active." If confirmation is received that the voter has discontinued his or her residence within the jurisdiction, or the issue is otherwise not resolved over the course of two even numbered year general elections, the voter's status is changed to "Cancel."

The QVF Cancellation Countdown is used to track the response timeframe. If no response is received over the course of the next two statewide November general elections, the voter's registration is cancelled without further notice through the QVF. This is handled programmatically through the QVF.

INACTIVE VOTER FILES: The voter registration database in the Qualified Voter File is broken down into two components; "Active" registered voters and "Inactive" registered voters. Upon registration the voter's record goes into the active file and remains there as long as the voter participates regularly in elections. A voter record is placed in the inactive file when the person goes six

consecutive years without voting, or when a confirmation notice is sent to a voter after the clerk receives reliable information that the voter has moved. (MCL168.509r) This inactive file is administered in the QVF programmatically and is simply a designation in the database. Master cards do not need to be segregated in a separate file. But if a jurisdiction does not use QVF, notations do need to be made on the voter's master card indicating their "Inactive Status."

A voter cannot be cancelled due to inactivity; their presence in the inactive file may be indefinite. A voter who is in the inactive file due to having been sent a confirmation notice should also be placed in cancellation countdown. If the QVF is used to programmatically generate notices, the cancellation countdown is automatically set. (If you do not provide notices using the QVF, the countdown must be manually set.) Those voters for whom you've received reliable information they no longer live at their registration address can be cancelled after two general election cycles unless they vote or respond to the confirmation notice sent them. This process is handled programmatically by QVF if the cancellation countdown has been set.

There are two practical effects of the inactive file. Voters in the inactive file can be subtracted from the total voter registration database for purposes of determining precinct size. The size limit of a precinct, 2,999 voters, can be determined either by use of the total number of registered voters in a precinct or by the number of registered "active" voters in a precinct. This choice also applies to the total of no more than 5,000 voters in a combined precinct.

The second effect concerns voters in the inactive file who have been placed there because a confirmation notice was sent to them. In these cases, if a voter in the inactive file applies to vote by absentee ballot, their ballot must be processed as a challenged ballot.

A voter will remain in the inactive file until they participate in an election, reply to a confirmation notice re-affirming their residence in the community or another voter registration transaction involving that voter occurs (including a change of address).

VOTER REGISTRATION CANCELLATIONS: A clerk is free to cancel a voter's registration record should any of the following occur. Except as noted, notice of the cancellation is not required.

- The voter directs the cancellation of his or her registration record in a written, signed communication. Sources: “Cancellation Authorization” forms executed by voters or a letter or post card signed by the voter which requests the cancellation of his or her voter registration.
- The clerk receives or obtains information that the voter has died. Sources: QVF inbox notification; county clerk; death notices published in newspaper; personal knowledge.
- The clerk receives notice that the voter has registered to vote in another jurisdiction through another election official or through a QVF inbox notification.
- The clerk determines that the voter has registered to vote in another jurisdiction through the QVF’s “Election Management Portal / Statewide Look-Up” feature.
- The voter verifies his or her residency in a different jurisdiction for voting purposes on a confirmation notice sent to the voter on “reliable information” that the voter has moved to a different jurisdiction.
- No response is received from the voter *over the course of two, successive statewide November general elections* to a confirmation notice sent to the voter on “reliable information” that the voter has moved to a different jurisdiction.
- The voter fails to appear to vote *over the course of two, successive statewide November general elections* after a confirmation sent to the voter on “reliable information” that the voter has moved within the jurisdiction or to a different jurisdiction is returned by the post office as “undeliverable.”
- The voter’s registration is challenged and it is revealed through questions directed to the voter in the polls on Election Day that he or she is *not* qualified to vote in the jurisdiction.
- The clerk receives a branch office application with one of the following notations included (*cancellations in these two cases do require a cancellation notice*):
 - “Customer no longer wants to be registered”
 - “Customer left without signing the form”

NOTATIONS ON BRANCH OFFICE VOTER REGISTRATION APPLICATIONS: Secretary of State Branch offices are now providing detailed information on the branch voter registration application to assist local clerks. Reasons for unsigned forms are now printed at the bottom of the

form with associated checkboxes for use by SOS staff. The checkboxes mirror the notes previously written on the application and should assist clerks in processing appropriately.

- 1) Currently registered voter indicates he/she is **not** a citizen – Secretary of State staff will check the box **“non-citizen previously registered in error”** on the form. Branches have been directed to send these applications to the Bureau of Elections who will send a notice to the clerk directing them to cancel the record. However, if the application is forwarded to you from the branch, under this scenario:
 - Cancel the voter (Change QVF Status to “Cancel – Citizenship”).
 - Send the voter a notification informing him/her that based on information he/she provided to the Secretary of State’s office, their voter registration has been canceled.
 - Inform the voter that if this cancellation was made in error, he/she can contact your office.
 - Keep the branch form with the Secretary of State notation with the canceled voter’s master card for future documentation.
- 2) Customer indicates he/she no longer wishes to be registered – Secretary of State staff will check the box **“customer no longer wants to be registered”** on the form. Under this scenario:
 - Cancel the voter (Change QVF Status to “Cancel – Voter Requested”).
 - Send the voter a notification informing him/her that based on their request, their voter registration has been canceled.
 - Inform the voter that if this cancellation was made in error, he/she can contact your office.
 - Keep the branch form with the Secretary of State notation with the canceled voter’s master card for future documentation.
- 3) Customer leaves the Secretary of State office without signing the form – Secretary of State staff will check the box **“customer left without signing”** on the form. Under this scenario:

- If a new/original voter registration application:
 - Reject the application; send the individual a notice informing him/her that the voter registration application did not contain the required signature.
- If updating an existing voter registration record:
 - Accept the voter registration, utilizing the QVF digital signature (if available); if not digital signature is available, change the voter's QVF status to "Verify – Signature"
 - Send the voter a new ID card.

Secretary of State employees are taking these steps as directed by Branch Office Administration and the Bureau of Elections. If you receive a form with the box checked but no customer initials, continue to process as requested above. If you receive unsigned forms without a notation as illustrated above or forms with hand written notes that do not pertain to one of the scenarios identified above, please contact the Bureau of Elections and email copies to elections@michigan.gov.

PUBLIC AVAILABILITY OF VOTER REGISTRATION DATA: All voter registration records are public documents and as such, must be available for public inspection during normal business hours. It is emphasized that the public availability of the records is *required by law*. Despite the public availability of voter registration information, Michigan election law restricts county, city and township clerks from producing lists or releasing copies of voter registration records which show any of the following information as such information is **exempt** from the provisions of the Freedom of Information Act (FOIA).

- Driver license or state personal identification card numbers.
- Month and day of the voters' birth. (Year of birth is not exempt and must be provided if requested.)
- Voter phone numbers.
- The identity or type of office that initially received the voters' registration applications.
- Any information regarding an individual's refusal to register to vote.
- Email addresses provided by absent uniformed services voters or overseas voters for transmitting registration applications or absent voter ballots.

The above disclosure restrictions apply to voter registration lists produced on paper and electronically. A county, city or township clerk supplying an interested person with a copy of a voter registration record must block out the restricted information.

It bears note that the above prohibitions do *not* limit a person's right to personally inspect a city or township clerk's registration files. In this case, a written request is not required.

RETENTION OF CANCELED VOTER REGISTRATION RECORDS: City and township clerks are required to maintain the original copy of a canceled voter registration record for at least *five years*. Such records must be available for public inspection upon request. Duplicate copies of canceled voter registration records may be destroyed *two years* after the date of cancellation. As an exception, an original copy of a canceled voter registration record may be destroyed after two years if the record is reproduced pursuant to the Records Media Act (MCL 24.401 - 403). A canceled voter registration record reproduced under the Records Media Act may be destroyed five years after the date of cancellation.

FEDERAL RECORDKEEPING AND REPORTING REQUIREMENTS: Rules promulgated by the Election Assistance Commission (EAC) to administer the NVRA require the Secretary of State to provide the EAC with a detailed report on Michigan's implementation of the NVRA every two years. Given the data required in the report, Michigan's city and township clerks must maintain the data identified below *on an ongoing basis*. It bears emphasis that the ongoing compilation of the data is *absolutely essential* as the nature of the required information is such that its reconstruction "after the fact" would be impossible.

The period covered by the biennial report begins the day after the last November general election and ends on the date of the following November general election. The data which must be maintained by city and township clerks in preparation for the completion of the report is detailed below:

- 1) The total number of confirmation notices mailed during the reporting period.
- 2) The total number of confirmation notice replies received during the reporting period.
- 3) The total number of confirmation notice replies received confirming the cancellation.